

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, May 2, 2016

Those Present:	Mr. Dick Zimmerman, Chairman Mrs. Maggi Hays, Board Member Mr. Rick Stup, Board Member Mrs. Wendy Kearney, Sr. Assistant County Attorney Mrs. Kathy V. Dean, Administrator Mr. Harold DeLauter, Alcoholic Bev. Inspector Mr. Bob Shrum, Alcoholic Bev. Inspector Mrs. Penny Bussard, Administrative Specialist V Mrs. Ashley Sklarew, Administrative Specialist V
----------------	---

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9:00 AM by Chairman Zimmerman.

1. Class C Club License Flexible Closing

RE: Class C Club License

Mr. Stup stated for the record that this hearing is for Class C Club Licenses only. Mr. Stup stated he was a Past Commander and an Honorary Life Member of Francis Scott Key Post 11, The American Legion, Amvets Post 2 Life Member, Post 78-29th Division Association Past Commander, member of the Junior Fire Company, member of Elks lodge 684, member of the Eagles Brunswick. Mr. Stup stated that he does not feel his membership is a conflict of interest of the Class C Club License. Mr. Stup stated that a written request has to be submitted by organizations to request closing of a clubs early. In order for the submission to be granted, the organization must meet certain criteria. The Organization must have no violations within 12 months of application submission and a log needs to be kept so the inspectors can check periodically. Mr. Stup stated that the policy states if no patron activity occurs within an hour and a half from normal business hours then the organization can go ahead and close its doors for the night. Inspector Shrum stated that this policy should be expanded to everyone, not a select group of establishments. It should be covered to all licensees to be fair across the board. Mr. Zimmerman asked Inspector Shrum if his view on this current policy is consistent with his views on volunteers. Mr. Stup stated he doesn't feel comfortable opening this policy up to all establishments. Mrs. Dean has received a lot of requests from other business

owners who would like to close early. Mrs. Dean stated it would cause hardship on her staff as well how would the inspectors keep track of when establishments close early. Mrs. Dean stated there are a lot of clubs that close at 2 on the weekends. Mr. Zimmerman asked if there are Class C Clubs that are open until 2 am. Mr. Zimmerman stated yes there are Class C Clubs open until 2 am. Inspector DeLauter stated that he would not want to receive a call in the early morning hours to tell him that their club is closing early. Mrs. Dean also said that this would open up complaints from patrons stating that clubs and restaurants are not open at their advertised hours. Mr. Stup stated that organizations open to the public cannot get on the list to close early. Mrs. Dean asked what about Bingo that is open to the public, restaurants open to the public, and dances and events open to the public. Mr. Zimmerman stated the way that the policy is written it's limited to membership clubs. Mrs. Dean stated the Elks had events going on all the time that are open to the public. Mr. Stup stated it has nothing to do with the liquor license. Mrs. Dean asked what about a wedding reception and Mr. Stup stated those events are sponsored by a members and Mrs. Dean stated that the public is still there. Mr. Stup responded the sponsoring person is responsible for their guest's actions. Mrs. Dean asked so you would have 1 person responsible for up to 200 people. Mr. Stup stated that people that are attending bingo are not permitted to buy alcohol. Mrs. Dean stated there are some Class C Clubs that sell alcohol to bingo participants.

Public Comments: Ron Stohlemmer – Assistant Finance Officer, Past Commander of American Legion Post 11, Former House Chairman for the House Committee for the Business side of the American Legion stated in speaking to Mrs. Dean's concerns he was here to talk about Flex Hours. Mr. Stohlemmer stated when it comes to bingo the Legion is not open evenings, Sunday & Wednesday the Legion is always open until they close at 11:00 pm. Mr. Stohlemmer stated when it comes to weddings, if a wedding is booked from 8:00 pm- 12:00 am the Legion is not going to close early and that is not a concern of what they are discussing right now. Mr. Stohlemmer stated that times have changed. Members used to stay until the bar closed and the Legion does not have members that stay that late anymore. Mr. Stohlemmer's concern is Monday, Tuesday, and Thursdays. On Fridays. the Legion has live entertainment with 2 bartenders that serve members. Mr. Stohlemmer is concerned with the area safety for his staff. Mr. Zimmerman asked would it be possible to announce earlier hours and publish the hours. Mr. Stohlemmer stated that during The Legion's Officers Meetings he cannot determine how long a meeting may last. Mrs. Dean stated the way that the policy is written the licensee will have to notify the inspector by cell phone each time the club closes early. Mrs. Dean stated this particular establishment would not meet the requirements because they are open to the public on some nights. Mr. Stup interjected and stated the Legion's bar operation is not. Mrs. Dean stated the policy does not state that. Mr. Stup stated this is only related to alcohol operations. Mrs. Dean said that there are organizations that sell alcohol to the

public during bingo nights and patrons are allowed to have drinks. Mr. Zimmerman asked how can a non-member get a drink, do they ask a member? Mrs. Dean made the statement isn't that how you get the drink, through the member? Mr. Stohlemmer stated the organization does not sell liquor on the bingo side. Mrs. Hays asked if members playing bingo are allowed to get drinks. Mr. Stohlemmer stated they are able to walk over to the secured members only bar and get a drink. Mr. Zimmerman stated he is not ready to vote on the bill just yet. Mr. Zimmerman suggested that the Board have continued discussion on the proposed bill. Mr. Stup stated with the violations that he has seen Francis Scott Key Post 11 will not qualify for getting on the list for Flex Hours, because they have had a violation within the last 12 months. This is a privilege for Class C Clubs Licensees.

PUBLIC COMMENT: Jessie Pippy, stated that the Governor and the MD Senate has appointed him to the liquor Board. He will start July 1, 2016, but he has not been sworn in yet. The new Commissioner asked if today's meeting was a typical turn out for a public meetings. He stated that anyone can walk into the bar at the American Legion. Mr. Stup responded and said no, there is a gate key so not anyone can come in.

Rules of Procedure- Mr. Stup stated he has a background in zoning and planning. Mr. Stup drafted the Rules of Procedure attempting to formalize input the way the Liquor Board operates in section 4. Mr. Stup stated in general this explains how the Board is supposed to operate and how meetings should run. Mr. Stup stated this is a way to manage Meetings and Agendas. Mrs. Hays stated that some of the rules went back to prohibition and needed to be modified. Mr. Pippy asked the Board about restaurants keeping receipts. Mr. Zimmerman stated the Board is working on the Food versus Alcohol Ratio. Mr. Zimmerman stated Alcohol Ratio is being reviewed to help the licensees. Mr. Stup stated he wants to ensure that the Liquor Board does what it is appointed to do and enforce the liquor laws. He stated these requirements have been in place but have not been enforced. Mr. Zimmerman asked if the times for public meetings and staff meetings needed to be adjusted. Mr. Stup stated Article 2B states that the Board must meet at a minimum of once a month. Paragraph 7 needs to be corrected. Mr. Zimmerman stated he had some problems understanding section 5 paragraph 1, states that only the chair of the Board has the authority to represent the Board in speaking on behalf of the Board, unless otherwise authorized by a vote of the Board. Mr. Zimmerman stated if you hold that against section 6 Board staff relationships then it's a little inconsistent even though it's been limited to Board/staff relationships. Sentence 1- states the Board Staff is a contact for all communication between members, and the public unless there is an issue raised against the Board staff. Ms. Thall pointed out if the Commissioners communicated with 2 members and not 3 members they actually have a quorum. This is the normal contact for most communication. Mr. Zimmerman stated it needs to be modified. Mr. Stup stated the intent was not to cut anyone off. Mrs. Dean suggested the removal of the word "all" communication and keep it as communication then as licensees request something at the office level the staff can submit it to the Board for vote. Mr.

Zimmerman stated that most of the Board's business is conducted through email. Mr. Stup stated we need to let the public know what to do concerning complaints. Mr. Zimmerman stated that public complaints need to be done in writing. Mrs. Dean stated that 90% of the complaints are not written, are not under oath, they are anonymous. There are even police who don't want to tell the staff their name. The Board receives the complaint once the inspectors have gone checked out the establishment. Inspector Shrum believes that the liquor commission should investigate complaints even if they are anonymous. Inspector Shrum said a lot of times the inspectors will go out and confront the establishment with the situation, they may deny it, but at the same time they realize they are being monitored and that solves the problem. Inspector Shrum said if we have to have specific complaints the Liquor Board is not doing its duty to make sure that laws are being upheld. Mr. Zimmerman agreed with Inspector Shrum. Mrs. Dean stated the complaints are complaints that deal with the Liquor Board laws. Mr. Stup wanted to ensure that the policies and procedures can be found in one place for the public and the Board.

Administrative Fees- Mr. Zimmerman stated as for the Administrative Fee are written they are a reasonable guideline. Mr. Stup stated that Frederick County is like other jurisdictions charging the fee. They are in line with other jurisdictions, and they have been discussed during other public meetings. There is no one here for public comment.

MOTION: Mr. Stup made a motion to accept the revision to the Administrative Fees as printed and distributed

SECOND: Mrs. Hays seconded the motion

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion

VOTE:	Mr. Stup-Aye
	Mr. Zimmerman-Aye
	Mrs. Hays –Aye
The vote was unanimous	Aye-3, Nays-0

(Motion Passed)

Guidelines- Mr. Zimmerman had a question on Section 6.10 entertainment/nudity and sexual displays. Mr. Zimmerman states, it reads revocation no hearing. Mrs. Dean stated we have to have a hearing. Mr. Stup stated that money received from fines goes into the County general fund. The staff is required to submit a budget to the County. Mr. Stup stated the fees are set by the General Assembly.

MOTION: Mr. Stup made a motion to adopt violations as distributed and amended today

SECONDED: Mrs. Hayes seconded the motion

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion

VOTE: Mr. Stup-Aye
Mr. Zimmerman-Aye
Mrs. Hays –Aye
Aye-3, Nays-0

The vote was unanimous

(Motion Passed)

Public Comment: Mrs. Dean wanted to state that this renewal year has been very difficult, but that Penny Bussard, and Ashley Sklarew have done an outstanding job. Mrs. Dean wanted to say that publicly.

Meeting adjourned

Respectfully submitted,

Kathy Dean, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Kendra Parker